

OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS

FOR THE FIRST CIRCUIT

RICHARD CUSHING DONOVAN
CLERK

One Courthouse Way
Suite 2500
Boston, MA 02210
617-748-9057

November 16, 2004

William Ruane, Acting Clerk
United States District Court
for the District of Massachusetts
1 Courthouse Way, Suite 2300
Boston, MA 02210

Re: Case No. 04-CV-40178 Leigh M. Olsen v. Steven O'Brien,
Superintendent

Dear Mr. Anastas:

Enclosed please find a notice of appeal that was mistakenly filed in the United States Court of Appeals for the First Circuit on November 16, 2004.

In accordance with Fed.R.App.P. 4, the notice of appeal is transmitted herewith. Please use the date of November 16, 2004, as the date of docketing this filing. *If this notice of appeal has already been received in your court, please do not duplicate.*

As soon as possible, please certify the district court documents to us.

Sincerely,

By: 
District Court Liaison

DB/file

cc: Leigh M. Olsen
W64686
NCCI, PO Box 466
500 Colony Rd.
Gardner, MA 01440-0466

2004 NOV 16 P 12 11
FILED IN THE OFFICE
US DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LEIGH M. OLSEN,

PETITIONER,

VS.

STEVEN O'BRIEN,
SUPT. NCCI,
AT GARDNER, MASS.,

RESPONDENT.

CIVIL ACTION
HABEAS CORPUS ACTION

NO. 4:04-40178-FDS

NOVEMBER 10, 2004

PETITIONER'S NOTICE OF APPEAL AND
MOTION FOR CERTIFICATE OF APPEALABILITY

Now comes LEIGH M. OLSEN, the Petitioner, and pursuant to the above-captioned statement, files his NOTICE OF APPEAL AND MOTION FOR CERTIFICATE OF APPEALABILITY against this Court adverse and unconstitutional and illegally executed "MEMORANDUM AND ORDER" dated "6th day of OCTOBER, 2004" SIGNED BY "F. DENNIS SAYLOR IV, UNITED STATES DISTRICT JUDGE" and "ORDER OF DISMISSAL" dated "10/7/04" bearing name of A DIFFERENT JUDGE "GORTON, D.J.", [UNSIGNED] PAPER WITH REFERENCE TO "/s/MARTIN CASTLES DEPUTY CLERK" using A FORM BEARING A KEY NUMBER:

"(2254dism.ord-09/92)"

The papers were not affixed with the same IDENTICAL DOCKET NUMBER: (1) "C.A.No. 04-40179-FDS; (2) CIVIL ACTION NO. 04-40178-NMG".

Petitioner's Federal Const. Guarantees were further violated, when the CLERK OF COURT AND HIS DEPUTIES FAILED

TO AFFIX THE SEAL OF THE COURT UPON THE FACE OF THE ORDERS AND MEMORANDUM, BEFORE DEPOSITING THE 'INSTRUMENTS' INTO THE U.S. POSTAL MAIL SERVICES.

Such intentional malfeasance is contrary to the statutory laws governing "WRITS AND PROCESSES" being executed from the [F]EDERAL [S]OVEREIGNTY to the [S]TATE [S]OVEREIGNTY, addressed to this Petitioner, held in FALSE IMPRISONMENT in state prison.

The Petitioner has proven OTHERS HAVE BEEN AWARDED JUDICIAL RELIED FROM STATE PRISON(s) ON THE [IDENTICAL] CLAIMS; PRIOR SUPREME COURT AUTHORITIES OF LAW ON [IDENTICAL] CLAIMS AS CONTROLLED LAW-OF-THE-CASE.

It was an UNCONSTITUTIONAL AND ILLEGAL SUSPENSION OF THE FEDERAL CONSTITUTION GUARANTEE OF THE HABEAS CORPUS BENEFITS, AND TREATED THIS PETITIONER AS BEING UNDER A DEFACTO MARSHALL LAW (A SUSPENSION OF ALL LIBERTIES AND CLOSURE OF ALL COURTS)!!

The Petitioner claims that his PRO SE PLEADINGS are meritorious and worthy of the protection of THE GREAT WRIT OF HABEAS CORPUS AD SUBJICIENDUM. He seeks the intervention by the UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT against the ABUSE OF JUDICIAL DISCRETION in this U.S. District Court.

NOVEMBER 10, 2004

RESPECTFULLY SUBMITTED,


LEIGH M. OLSEN Pro Se

OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

RICHARD CUSHING DONOVAN
CLERK

One Courthouse Way
Suite 2500
Boston, MA 02210
617-748-9057

November 3, 2004

William Ruane, Acting Clerk
United States district Court
for the District of Massachusetts
1 Courthouse Way, Suite 2300
Boston, MA 02210

Re: Case No. 04-CV-40178 Leigh M. Olsen v. Stephen O'Brien, et al.

Dear Mr. Anastas:

Enclosed please find a motion that this court requests that you construe as a notice of appeal that was mistakenly filed in the United States Court of Appeals for the First Circuit.

In accordance with Fed.R.App.P. 4, the notice of appeal is transmitted herewith. Please use the date of November 2, 2004, as the date of docketing this filing. If a notice of appeal has already been received in your court, please do not duplicate.

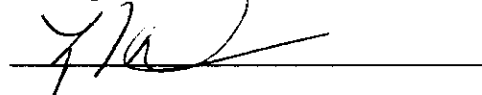
As soon as possible, please certify the district court documents to us.

Sincerely,

By: (SIGNED)
District Court Liaison

DB/file
cc: Leigh M. Olsen
NCCI, PO Box 466
500 Colony Rd.
Gardner, MA 01440-0466

Received by
Leigh M. Olsen on
Thursday, November 4, 2004
At 2:00 PM From
Legal Mail Division



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Leigh M. Olsen,
Petitioner,

V.

Steven O'Brien, et al.,
Respondent,

CIVIL ACTION

NO. 04-40178-NMG

ORDER OF DISMISSAL

Gorton, D.J.

In accordance with the Court's Memorandum and Order dated 10/6/04
summarily dismissing this petition for writ of habeas corpus under 28 U.S.C.
§2254, it is hereby ORDERED that the above-entitled action be and hereby is
dismissed.

By the Court,

10/7/04
Date

/s/ Martin Castles
Deputy Clerk

(2254dism.ord - 09/92)

[odism.]

RECEIVED
FRIDAY 10/8/04
10:20 AM
[Signature]
4

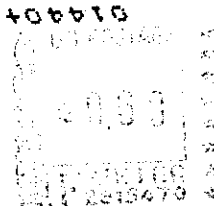
Case Name: Olsen V. O'Brien

Case Number: 4:04-cv-40178

Leigh M. Olsen
W64686
NCCI
PO Box 466
Gardner, MA 01440-0466

UNITED STATES DISTRICT COURT
OFFICE OF THE CLERK
595 MAIN STREET, ROOM 502
WORCESTER, MA 01608

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300



RECEIVED ON
FRIDAY
OCTOBER 8, 2004
AT 2:00 PM
[Signature]

RECEIVED ON
FRIDAY
OCTOBER 8, 2004
AT 2:00 PM
[Signature]